

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Our Case No. 00B012)**

In The Application Of:)	
BENNETT ET AL.)	SUBMITTED VIA ELECTRONIC
)	FILING ON DECEMBER 16, 2010
Serial No.: 09/808,722)	
)	
Filed: March 14, 2001)	
)	
Examiner: RUDY, ANDREW J.)	
)	
Group Art Unit: 3627)	
)	
For: ONLINE PURCHASING SYSTEM)	
SUPPORTING LENDERS WITH)	
AFFORDABILITY SCREENING)	
)	
Confirmation Number: 5520)	

**PETITION PURSUANT TO 1.181(A) TO WITHDRAW HOLDING OF
ABANDONMENT**

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper responds to the Notice of Abandonment that was entered in the above case on December 9, 2010. For the following reasons, Applicants request withdrawal of this holding of abandonment.

The above application was filed on March 14, 2001. According to the initial submission, all correspondence was to be directed to the attention of Christopher Winslade, an attorney at McAndrews, Held & Malloy Ltd. While change of address forms were submitted during the prosecution of the case,

at no time was correspondence to be directed to someone other than Mr. Winslade.

On February 8, 2007, Eduardo Drake of Schwegman, Lundberg, Woessner and Kluth mistakenly filed a change of correspondence form in this case. Notably, Mr. Drake did not submit a corresponding power of attorney, as he did not have the authority to prosecute this case.

Upon discovering this issue, Applicants' attorneys immediately contacted Mr. Drake. Realizing that he had made a mistake, on May 17, 2007, Mr. Drake filed a withdrawal of his change of correspondence address. A copy of this submission is attached hereto. Accordingly, no further correspondence should have been directed to Mr. Drake or his firm.¹

On August 24, 2010, the PTO issued a Notice of Allowance. Unfortunately, this notice was mailed to Mr. Drake's firm. Neither Mr. Drake, nor anyone at his firm, forwarded this correspondence to Applicants' attorneys.

This morning we completed a status check on several cases. It was during this check that we learned of the Notice of Allowance for the first time. Because the Notice of Allowance was improperly mailed to Mr. Drake, we would request that the PTO: 1) withdraw the Notice of Abandonment mailed

¹ Applicants' attorneys did realize that a recent Office Action had been mailed to Mr. Drake even after he withdrew his change of correspondence address. Applicants' attorney contacted the PTO help desk, who informed the attorney that there was no need to submit a change of correspondence address because there was no "change" being made. The help desk also assured the attorney that the records had been corrected and that all future correspondence would be directed to Mr. Winslade.

Given that this issue was apparently not corrected, Applicants have also submitted a change of correspondence form concurrently herewith.

on December 9, 2010; and 2) re-issue the Notice of Allowance, thereby resetting the time for Applicants to pay the issue fee.

It is not believed that a fee is due in connection with this Petition. Nevertheless, the Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

Please feel free to contact the undersigned with any questions. Otherwise, a Notice of Allowance is courteously solicited.

Respectfully submitted,

Dated: December 16, 2010

By: /s/ Ronald H. Spuhler
Ronald H. Spuhler
Reg. No. 52,545

McAndrews, Held & Malloy, Ltd.
500 West Madison Street - Ste. 3400
Chicago, Illinois 60661
(312) 775-8000

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CENTRAL FAX CENTER

MAY 17 2007

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH
PATENT, TRADEMARK & COPYRIGHT ATTORNEYS
P.O. Box 2938
Minneapolis, MN 55402
Telephone (612) 373-6900 Facsimile (612) 339-3061

May 16, 2007

TO: Commissioner for Patents
Attn: Andrew J. Rudy
Patent Examining Corps
Facsimile Center
P.O. Box 1450
Alexandria, VA 22313-1450

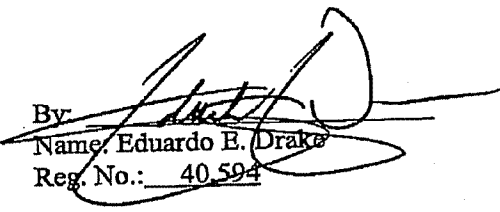
FROM: Eduardo E. DrakeOUR REF: 7962.006US1FAX NUMBER (571) 273-8300

* Please deliver to Examiner Andrew J. Rudy in Art Unit 3627. *

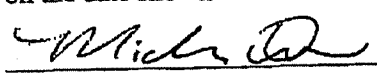
Document(s) Transmitted: Withdrawal of Notification of Change of Correspondence Address (1 pg.)Total pages of this transmission, including cover letter: 2 pgs.

If you do NOT receive all of the pages described above, please telephone us at 612-373-6900 or fax us at 612-339-3061.

In re. Patent Application of: James D. Bennett et al.Examiner: Andrew J. RudySerial No.: 09/808,722Group Art Unit: 3627Filed: March 14, 2001Docket No.: 7962.006US1Title: ONLINE PURCHASING SYSTEM SUPPORTING LENDERS WITH AFFORDABILITY SCREENING

By: 
Name: Eduardo E. Drake
Reg. No.: 40,594

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.


Michele Quaranto

5-17-2007
Date of Transmission

MAY 17 2007

S/N 09/808,722PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James D. Bennett et al. Examiner: Andrew J. Rudy
Serial No.: 09/808,722 Group Art Unit: 3627
Filed: March 14, 2001 Docket: 7962.006US1
Title: ONLINE PURCHASING SYSTEM SUPPORTING LENDERS WITH
AFFORDABILITY SCREENING
Assignee: Engate LLC

Withdrawal of Notification of Change of Correspondence Address

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby withdraw the Notification of Change of Correspondence Address filed in the above-identified application on February 8, 2007.

The attorney file for the above-identified application was inadvertently transferred to our client Engate LLC as part of a larger bundle by the McAndrews firm and then subsequently processed as an incoming file by our firm, Schwegman Lundberg Woessner & Kluth, P.A. During the intake process, we believed we had authority to act in all the bundled files. However, on May 15, 2007, we were contacted by Mr. Ronald Sphuler at the McAndrews firm and learned that the attorney file for the above-identified application was transferred in error.

Based on the contact with Mr. Sphuler and subsequent review of supporting transactional documents that required transfer of the larger bundle, we no longer believe we have authority to act in this application and thus withdraw the noted Change of Correspondence Address.

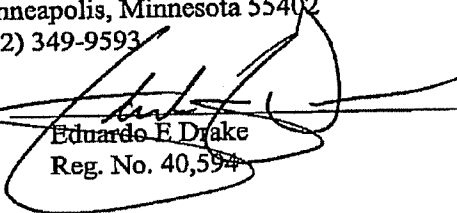
Respectfully submitted,

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Date

17 May 2007

By


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